

Message Text

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14-10
ACTION EA-10

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TO SECSTATE WASHDC 0000
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E.O. 11652: N/A
TAGS: PINT, MY
SUBJ: HIGH COURT HALTS BY-ELECTION TO REPLACE DAP MP

REF: A. KUALA LUMPUR 230; B. KUALA LUMPUR 1253; C. KUALA LUMPUR 1326

1. FOLLOWING ON HEELS OF THE RELEASE AND RE-ARREST OF SARAWAK NATIONAL ACTION PARTY VICE PRESIDENT JAMES WONG (REF B), K.L. HIGH COURT HAS HALTED A MARCH 15 BY-ELECTION TO REPLACE DEMOCRATIC ACTION PARTY (DAP) MEMBER OF PARLIAMENT FAN YEW TENG, WHO WAS CONVICTED OF SEDITION IN JANUARY (REF A). THE HIGH COURT JUSTICE RULED THAT SECRETARY OF THE DEWAN RAKYAT (LOWER HOUSE OF PARLIAMENT), AND ELECTIONS COMMISSION WERE IN ERROR IN DECREETING A BY-ELECTION ON GROUNDS FAN'S SEAT AUTOMATICALLY BECAME VACANT WITH HIS CONVICTION, RULING STATED THAT CONSTITUTION GIVES POWER TO DISQUALIFY PRIOR TO EXHAUSTING OF APPEALS PROCESS ONLY TO THE DEWAN RAKYAT.

2. COMMENT: AS IN WONG CASE, DECISION BOLSTERS IMAGE OF INDEPENDENT JUDICIARY IN MALAYSIA, HOWEVER, GOM IMMEDIATELY RE-ARRESTED WONG (REF C), AND WITH PARLIAMENT RECONVENING MARCH 31 GOM COULD SUCCESSFULLY MOVE TO HAVE FAN DECLARED DISQUALIFIED. THERE ARE RELIABLE REPORTS THAT PRIME MINISTER RAZAK WAS HIGHLY ANNOYED BY PREMATURE DECISION TO DECLARE FAN DISQUALIFIED, WHICH WAS TAKEN WHILE RAZAK WAS ON MIDDLE EAST TOUR, AND PM
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FEB 26 ORDERED RULING NATIONAL FRONT NOT TO CONTEST THE

BY-ELECTION (A DAP CANDIDATE AND TWO INDEPENDENTS DECLARED FOR
THE RACE). THEREFORE THERE IS REASON TO HOPE PM WILL NOT
WANT PARLIAMENT TO ACT AGAINST FAN BEFORE HE EXHAUSTS HIS
RIGHT OF APPEAL. END COMMENT.
UNDERHILL

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